FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 427/2007
(Abdul Hafiz Abdul Jabbar Vs. Sarojdevi Narayandas Rathi)

Appeal — District :
Application No. — of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.Deshpande, counsel for the appellant.

CORAM : Smt. Vasanti A. Naik, J.
DATED : 6th September, 2007.

Heard the learned counsel for the appellant.

The appellant is the original defendant. A suit was filed by the plaintiff for recovery of arrears of rent and notice charges to the tune of Rs.43,900/-. According to the landlady/respondent, the appellant was the tenant in the suit premises on a rent of Rs. 300/- per month including the municipal taxes and the appellant had failed to pay the rent from 01.04.1997 to 31.03.2000 in spite of repeated demands.

The defendant contested the suit filed by the plaintiff and denied that the monthly rent was payable @ Rs.1,200/- per month. It was further pleaded by the defendant/appellant that the agreed rent was Rs.500/- per month which also included the municipal taxes.

The trial as well as the appellate Court,

however, found that the respondent/landlady had succeeded in proving that the agreed rent was Rs. 1,200/- per month and the appellant was in arrears of rent from 01.04.1997 to 31.03.2000. The Court, therefore, granted the decree in favour of the plaintiff.

The findings recorded by both the Courts on the aforesaid issue are pure findings of fact which are based on a proper appreciation of the material evidence on record. They do not give rise to any substantial question of law. The second appeal is, therefore, dismissed with no order as to costs.

JUDGE

APTE